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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 279th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 22 January 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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CROATIA

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Croatia (CRC/C/8/Add.19 and CRC/C.11/WP.1)

1. At the invitation of the Chairperson, Mrs. Babić, Mrs. Ujević-Buljeta, Mrs. Hrabar, Mrs. Šimonović and Mrs. Cvjetko (Croatia) took places at the Committee table.

2. Mrs. BABIC (Croatia) expressed her Government's gratitude to the Committee for considering its report; that would be of great assistance to Croatia in implementing the Convention.

3. Croatia had clearly stated that it was ready to respect all the international human rights treaties signed by the predecessor State and considered those treaties to be part of its internal legal system, their legal force following immediately upon that of the Constitution and coming before all national laws; they could be directly implemented. The Convention on the Rights of the Child had been incorporated into Croatia's legal system through the 1991 Notification Act.

4. As a result of the war, more than 10,000 persons had been killed, almost 3,000 were missing, more than 36,000 had been wounded and 9 per cent of all housing facilities, or 145,000 units, had been damaged; 450,000 displaced persons and refugees, or 10 per cent of the total Croatian population, as well as 300,000 citizens whose income was below the essential minimum, were in need of assistance. Notwithstanding that difficult context, her Government had worked unremittingly to alleviate the consequences of the violations of the Convention committed by the aggressor against Croatia. It considered the regular forces of the army of the former Yugoslavia (Serbia and Montenegro), the paramilitary units which had acted in coordination with the latter and the rebel authorities in the occupied territories of Croatia to be primarily responsible for those violations.

5. Children had been the direct victims of the violence. One million children had been affected by the war, more than 20,000 having been directly exposed to its horrors: bombardments, death and the serious injury and torture of their parents and closest relatives. The latest information available to Croatia (January 1996) showed that both parents of 900 children were missing, more than 5,000 children had lost one or both parents in the war, more than 45,000 had been displaced and over 58,000 were the children of refugees from Bosnia and Herzegovina.

6. Despite the difficult circumstances that Croatia had had to face over the past five years, the Constitution ensured high standards of protection for children. Moreover, 85 per cent of the legal infrastructure had been amended to bring it into line with the new Constitution. That harmonization process, scheduled for completion by the end of 1996, would serve as a guarantee for strengthening the rule of law, safeguarding human rights and freedoms and promoting economic growth and development.

7. Croatia was also working to fulfil the commitments which had been entered into at the World Summit for Social Development in Copenhagen and the World Conference on Women in Beijing and many of which related to the rights of the child.

8. Referring to new legal developments since the drafting of Croatia's initial report, she informed the Committee that the Labour Law, which had entered into force on 1 January 1996, contained provisions on the minimum age of employment, which had been set at 15 years, the legal capacity of a minor to sign an employment contract, which required the legal guardian of the minor to give express written consent, the prohibition of the employment of minors in certain sectors and the authorization of labour inspectors to prohibit a minor from working at certain jobs. Other new provisions protected minors employed in areas that might threaten their health, morals or development.

9. The new Labour Law established high standards for the protection of women, particularly during pregnancy, for the protection of maternity and for the rights of parents and legal guardians, taking into account the best interests of the child. A woman employee was entitled to paid maternity leave until her child had reached one year of age. For twins, the third or any subsequent child, a woman employee could take paid maternity leave until the child had reached three years of age. There were numerous possibilities for the father of the child, adoptive parents and foster parents to benefit from legal measures to protect parenthood and help in the raising of children. Labour law protection had been improved for the mothers of seriously handicapped children. A new provision allowed one of the adoptive parents of a child under 12 years of age to take adoptive parental leave of 270 continuous days from the date of adoption. All rights to maternity, paternity or adoptive parental leave included salary compensation and protection from termination of employment.

10. Since the submission of its initial report, Croatia had introduced bills on family relations, child allowances and social welfare, but, owing to national security needs and the defence and liberation of the occupied Croatian territories, the Croatian Parliament had been faced with other priorities and those bills had not yet passed the final stage of the legislative process; that was expected to take place during the first three months of 1996.

11. Her delegation had a number of misgivings about articles 21 (b) and 22, paragraph 2, of the Convention. According to article 21 (b), it was better for a child who was permanently deprived of parental care to be placed in a foster family than to be released for intercountry adoption. Although Croatia very rarely approved intercountry adoptions, its experience and practice showed that that was sometimes more likely to ensure the best interests of the child than placement in a foster family. Concerning article 22, paragraph 2, her Government believed that it was in the best interests of refugee children who had left their homeland because their freedom and lives had been threatened by the war and aggression to wait until the war had ended in the country of origin before adoption was decided on. That was Croatia's practice with regard to children from Bosnia and Herzegovina.

12. She expressed her Government's appreciation to all those who had provided assistance to children in the war imposed upon Croatia and, in particular, to the United Nations Children's Fund (UNICEF).

13. The CHAIRPERSON invited the members of the Committee to ask questions on the section of the list of issues entitled "General measures of implementation", which read:

"General measures of implementation
(Arts. 4, 42 and 44 para. 6 of the Convention)

1. In the spirit of the World Conference on Human Rights which encouraged States to consider reviewing any reservation with a view to withdrawing it (see A/CONF.157/23, Part II, paras. 5 and 46), please provide information on whether the Government is considering the need to review its reservation to the Convention.

2. Please provide information on the implementation of the Convention by the courts. In what areas has the Convention been invoked before the courts? (Paras. 22, 24-25 of the State party report and para. 59 of the HRI/CORE/1/Add.32).

3. Please indicate whether any study has been undertaken to review national legislation and its compatibility with the provisions and principles of the Convention on the Rights of the Child. In addition, please comment on the status of proposed reforms to the legal system mentioned in, inter alia, paragraphs 27, 37, 44, 60, 185, 193, 209, 238, 351 of the report.

4. Please provide further information on the measures being taken or considered to develop mechanisms for the determination of appropriate indicators as well as the collection of statistical data and other information on the status of children as bases for designing programmes for the implementation of the Convention. (See inter alia, paras. 35, 36, 41, 251-253, 266, 269, 357 of the report).

5. Please provide more information about the recent work undertaken by the Expert Group of the Parliamentary Committee in dealing with matters relating to children's interests and needs (para. 31 of the report). Has the Government considered the possibility of establishing a national institution such as an Ombudsman for Children?

6. Please describe the policy in relation to the implementation of article 4 of the Convention with regard to the allocation 'to the maximum extent of (...) available resources for the rights of the child'. What guarantees exist to ensure that local/regional authorities are also guided by this principle in their policy decision-making? To what extent are destructions of facilities, including schools and child-care centres being remedied?

7. In view of the information contained in paragraph 5 of the report that the overall state of protection of child's rights has deteriorated in the past few years due to the effects of war and changes to the economic system, amongst other factors, please provide a comparison of present and previous budgetary allocations to social expenditures.

8. How is coordination ensured between the national Government and the local/regional authorities achieved? What monitoring mechanism and evaluation processes exist to ensure that the standards established by the Convention are fulfilled?

9. How is the Government ensuring that police and military personnel are being familiarized with the provisions and norms of international human rights instruments and international humanitarian law? What procedures are in place to handle allegations of abuse against children by personnel of the armed forces or the police?"

14. Mrs. EUFEMIO said she was pleased that the Government of Croatia was giving consideration to withdrawing its reservation to article 9 of the Convention, in which case special family courts would be established to review decisions by guardianship authorities so as to ensure that the best interests of the child were taken into account in cases of separation from a parent or parents. She asked whether it might not be possible for Croatia to withdraw the reservation in principle pending establishment of those courts. What difficulties had been encountered in setting up such bodies?

15. She inquired whether there were plans for the enactment by the end of 1996 of the social welfare and criminal code legislation, the Law on Marriage and Family Relations and the Law on the Juvenile Court Jurisdiction. Would the bilateral treaties with neighbouring countries on resolving children's issues, the measure to raise the prohibition on selling and giving alcoholic drinks to children to age 18 and the project to standardize all criminal provisions on juvenile offenders also be completed by that date?

16. She requested further information on how the provisional court of human rights would be related to the work of the Ombudsman, once the latter had become operational.

17. How were data on children collected; were non-governmental organizations (NGOs) involved?

18. In the written reply to question 7, a figure of 219,257,000 DEM had been cited as having been set aside for children's social welfare. Did that figure include local government funds or was it restricted to the national level? How could those allocations be better used and how did that figure compare with the size of the military budget?

19. How did the local authorities coordinate their efforts with the national Government? For example, how were health-care problems in connection with child labour solved at the local level?

20. Mr. HAMMARBERG, referring to Croatia's written reply to question 6 of t list of issues and bearing in mind the requirement under article 4 of the Convention to ensure that measures were undertaken to the maximum extent of State party's available resources, asked how the Government and Parliament o Croatia went about comparing expenditure for children with other social requirements and ensuring that priority was given to children's needs in the decision-making process.

21. Concerning Croatia's written reply to question 7, he inquired how expenditure for children compared with spending in other areas and what procedure guaranteed that priority was given to children in budgetary decisions.

22. Mr. KOLOSOV said that he wished to know whether legislative, administrative and practical measures were sufficient to protect children's rights. In some cases, the Government of Croatia had acknowledged that the police had been unable to enforce the obligation to protect children's right What were the reasons for those difficulties and what measures had been take to enforce legislation, especially in the north and the south and in the territory of the Krajina?

23. Mrs. CVJETKO (Croatia) said that no special legislation governed the criminal prosecution of minors, but the Penal Code had a number of provision which focused on juvenile delinquency. It respected the principle of proportionality in sentencing. Educational measures could be imposed, but minors could be imprisoned only in exceptional cases involving serious crime and only if they were aged over 16 years. A bill was currently before Parliament relating specifically to the protection of minors and to criminal offences involving child victims. The periods relating to penalties and the detention of minors had both been reduced.

24. The 1993 law on the catering and tourist industries provided that alcoholic beverages could not be served to children under the age of 16 year A new article had recently been added to that law to raise the age limit to 18 years.

25. The State Prosecutor's Office coordinated the work of all the public prosecutors' offices throughout Croatia. In the field of juvenile delinquen there had been local-level cooperation for the past 20 years between the social work centres, the courts and the police stations. Such coordination gave an overall idea of the situation which was valuable from the point of view of prevention. She noted that 70 per cent of trials were completed and that juveniles were sent to correctional institutions in only 30 per cent of cases; very few juveniles were imprisoned. Prior to the war, the police had operated juvenile delinquency departments at the county level, with an exper in juvenile delinquency available at each police station. The war had broug about changes in the police force and it was therefore only in 1995 that the county-level departments had been re-established. The police could interrogate minors only in the presence of their parents or of a representative of the social work centre and had to inform parents immediate of the arrest of minor children.

26. The Convention was implemented by the public prosecutor's offices, the courts and the social work centres. Following Croatia's adoption of the Convention, the State Prosecutor's Office had drawn up a plan and distributed a copy of the Convention to all public prosecutors' offices, which had been requested to acquaint social workers, the police and schools with its contents. The Government had drafted a plan for the prevention of juvenile delinquency involving all ministries whose work related to children.

27. Mrs. HRABAR (Croatia) said that a bill on family law was being considered by the Government of Croatia. Its provisions fully respected those of the Convention, taking into account the legal standards the Convention embodied, the best interests of the child and the responsibilities of parents. It took the child as the main focus in the child-parent relationship. Its basic principles were the protection of the welfare and rights of the child and the responsibility of both parents for the child's upbringing and development. The most important rights it incorporated included the child's right to security, safety and a family upbringing in keeping with his emotional, mental and other needs; his right to live with his parents and, in the case of separation from his parents, particularly in the case of divorce, his right to maintain a relationship with both parents; his right to choose a profession or occupation consistent with his abilities and his best interests; his right not to be subjected to humiliating behaviour or any form of punishment or abuse; and his right - somewhat revolutionary in comparison to the previous system of child protection - to apply to the competent bodies for the protection of his rights.

28. Because the family was recognized as an important social institution and in order to avoid extreme liberalism leading to anarchy in parent-child relationships, provision had also been made for a child's duty to respect his parents, to help them and to be considerate towards other family members. Parents were responsible for giving their child every opportunity to fulfil his rights in keeping with his age and maturity. That criterion had been followed a number of times in the bill on the basis of the belief that setting a fixed age limit could sometimes be detrimental. One new provision, the right of parents to supervise the company kept by their children, was unusual, but was considered necessary in view of current conditions in the country. The bill also included provisions on jurisdiction and specific measures which social-welfare centres and the courts could take to protect children.

29. Family courts had not existed in Croatia in the past because departments had been set up in the larger courts to deal with the protection of children and family matters. There was no intention to set up family courts, as the current system already allowed for sufficient control of the protection of children's rights.

30. A discussion was under way between Parliament and the current Ombudsman on whether he should appoint one of his deputies to act as Ombudsman for Children. Such an Ombudsman would be modelled on that of Norway and would be independent of the Government and the courts.

31. Mrs. UJEVIC-BULJETA (Croatia), replying to the questions relating to the legal provisions on the placement of children in homes or foster families, said that the Law on Social Welfare and the Law on Marriage and Family Relations were applicable. The Law on Social Welfare provided for the possibility of placing a child in a home or in another family only with the approval of the child's parents. It catered for parents who were unable to look after their child themselves as a result of financial difficulties, family misunderstandings, illness, and so on, and who applied to the social welfare service to make alternative temporary arrangements. If not prevented from doing so by being in hospital or in prison, for example, the parents visited their children regularly, a practice that was facilitated in order to maintain close family ties. The Law on Marriage and Family Relations provided for the deprivation of parental rights in certain cases, most frequently on the initiative of the guardianship authorities. According to that Law, children could be returned to their parents only by court order. The guardianship authorities, with their teams of experts made up of social workers, psychologists and lawyers and, where necessary, medical experts, were the best equipped to guarantee the best interests of the child and to deal with issues relating to the family and children.

32. Mrs. SIMONOVIC (Croatia) said that article 60, paragraph 1, of the special Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia provided for the establishment of a provisional court for human rights in Croatia on the basis of the agreement concluded between all the States in the territory of the former Federal Republic of Yugoslavia. Croatia had experienced some problems in enacting the provisions of that Law. It had established an expert group in its Ministry of Justice and experts from the Council of Europe had been invited to assist it in setting up a provisional court for human rights. In addition, a new individual complaints procedure for the protection of human rights was now available and complaints could be brought before the Constitutional Court. Relations between the Constitutional Court and the new provisional court for human rights would have to be monitored to prevent problems from arising between the two.

33. In 1995, Croatia had ratified the optional Protocols to the International Covenant on Civil and Political Rights, an important step forward; those protocols would enter into force in February 1996.

34. Mrs. BABIC (Croatia) said that the Ministry of Labour and Social Welfare was responsible for the implementation of the Convention, but its resources were insufficient. The first peacetime budget following five years of war was currently under discussion and a temporary budget was in place. The Croatian army was being reorganized and 50,000 soldiers would be demobilized. That would lead to a considerable reduction of the country's defence capacity, thereby freeing up budget allocations for other needs, such as the national programme of demographic renewal, for which about 3.5 billion dinars were to be made available and which would be intended for the protection of mothers, pregnant women and persons with family responsibilities. Maternity leave would last for up to three years and would be paid for during the first year.

35. In connection with the right to education, she said that budget allocations for the past five years had been used for the children of displaced persons, refugees and parents receiving welfare. The budget under discussion by Parliament would, however, provide all children, regardless of their parents' financial status, with free textbooks as from autumn 1996. As a result of a radical change in the welfare system, children's allowances would assist families with children. Such allowances were not part of the budget at present, but came from taxes instead and were allocated on the basis of the parents' financial status, so that many children did not receive them. Those allowances were thus a right to which parents rather than children were entitled. Croatia wanted to reverse that situation, making that right a right of children, responsibility for which would be borne by all taxpayers.

36. Her country was having trouble finding financial resources to implement all the measures it needed to achieve full compliance with the Convention. Confronted with enormous economic difficulties, including an unemployment rate of 15 to 16 per cent, the Government did not wish to increase taxes as a means of generating income because such a step might interfere with efforts to create jobs.

37. While agreeing that all children had the right to an allowance, her Government wanted to ensure that children from poor families received such a benefit and one that was even more generous than that granted to more privileged children. In fact, redefining the entire welfare system was high on the Government's agenda and, in that connection, it appreciated the help that had been provided by the World Bank for the purpose of developing human resources. It was trying to put an entirely new approach into practice: greater budget transparency, together with a comprehensive inventory of resource users. The goal was to make public spending more effective, despite the current limitations.

38. Central and local authorities cooperated fully on all matters relating to the protection of minors. The Republic of Croatia was a party to approximately 54 International Labour Organization conventions. Inspection services to monitor the implementation of labour legislation operated at the county level and were under the supervision of the Ministry of Labour and Welfare. Local health inspectors were responsible for enforcing laws adopted by the Ministry of Labour and the Ministry of Health.

39. With regard to the full elimination of discrimination in her country, particularly in the previously occupied zones, she noted that information about events, including human rights violations, occurring in the past five years was just beginning to come to light. While those who had not actually witnessed the conflict might find it hard to believe, it was a fact that the Croatian Government had not had access to the relevant information during and for some time after the war. Nevertheless, the Government had rapidly taken control of the previously occupied areas and was enforcing the law there.

40. Mr. KOLOSOV said that he wished to know how the proposed court of human rights would differ from the ordinary courts.

41. Mrs. KARP asked what special needs had arisen in the aftermath of the war and how the Croatian Government was dealing with them.

42. Mrs. SIMONOVIC (Croatia) said that the jurisdiction of the proposed human rights court would overlap with that of the Constitutional Court. Moreover, the proposed court would have an international character because of its composition: three judges would be appointed by the European Union and two by Croatia. Once its proposed membership in the Council of Europe had been accepted, her Government would be using the European judicial system as a model.

43. Mrs. CVJETKO (Croatia) said that the ordinary courts also protected human rights, especially those of minors. Minors were entitled to protection of their personality; they could not be tried in public or in absentia. Detention for minors was considered to be an extreme measure and was limited to two to three months. Alternative sanctions for youthful offenders were available. The court system included a special court for juveniles where special consideration was given to the family circumstances of the offender. Parents and social welfare representatives were present throughout the trial proceedings of all minors. Trials for juveniles were given priority over other trials and the duration of the proceedings was monitored.

44. Under the Penal Code, racial and other forms of discrimination were a criminal offence.

45. The CHAIRPERSON invited the delegation of the Republic of Croatia to provide information on the questions the Committee had asked in connection with the section of the list of issues (CRC/C.11/WP.1) entitled "General principles", which read:

"General principles
(Arts. 2, 3, 6 and 12)

10. Please indicate the specific and concrete measures being taken to combat discrimination against girls, disabled children, children born out of wedlock, and displaced and refugee children. Is there a deliberate effort to collect disaggregated statistical data so that any discriminatory tendencies can be detected?

11. What concrete measures has the Government taken to prevent and eliminate attitudes and prejudices contributing to ethnic tensions or incidents of unlawful discrimination or incitement to ethnic hatred?

12. Has there been any evaluation undertaken of the manner in which the principle of 'the best interests of the child' as provided for in the Convention are taken into account in actions undertaken by legislative, judicial and administrative bodies or authorities? (See, inter alia, paras. 71-84, 128, 189, 195-196, 201, 205, 232-233, 315 of the State party report.)

13. In relation to the implementation of article 6 of the Convention with respect to a child's right to life, survival and development, has the Government undertaken cooperation with schools, institutions, agencies, the media and other interested parties to educate children about mine awareness?

14. Has any evaluation been undertaken of the child's right to express his or her views and to have these taken into account in court and administrative proceedings? (Para. 102, 195 and 205-206 of the report.)"

46. Mr. HAMMARBERG said that the Committee was fully aware of the difficulties which Croatia had faced in recent years. Even before the war had begun, the country had been working hard to make the transition to a market economy. The war had brought other hardships including its legacy of refugees and displaced persons.

47. Croatia was putting all that behind it. As made clear by its Constitution, the country was determined to eliminate all forms of discrimination, an approach he could only welcome. Another positive step was the country's participation in the European Council campaign against xenophobia and intolerance, which had particular meaning for the country's younger generation.

48. At the same time, more efforts were needed to move the country beyond the culture of hatred and violence and towards a culture of peace. The Government must actively campaign for tolerance. The judicial branch must respect not only the law, but the spirit of the law. Political biases should be countered. The ombudsman system should be developed and its impartiality protected. Renewed emphasis should be placed on the role of the media and schools in encouraging tolerance.

49. The Government must make it clear that the atrocities committed by agents of the Croatian State in August 1995 were unacceptable and must make every effort to ensure that the perpetrators of those acts were brought to justice. In so doing, it would help convince the non-Croatian members of the population that it was fully committed to protecting them.

50. It was up to the authorities to demonstrate their resolve to create a new climate. There could be no impunity for acts involving harassment of Serbians or other minorities. The legislation permitting temporary ownership of property belonging to former residents must not prevent the actual owners from claiming and obtaining what rightfully belonged to them. There was a need for renewed discussion about citizenship: any distinction between individuals of Croatian origin and those of other groups must be eliminated. Non-Croatians should be actively recruited into the police so that law enforcement agencies would be more representative.

51. Mrs. KARP asked what steps were being taken to protect refugees, disabled persons and other special groups from discrimination? How was the Republic of Croatia ensuring the "best interests of the child"?

52. Mrs. EUFEMIO said that research was needed to determine how best to develop the personality of children, in all ethnic groups, to its fullest potential. What were the behaviours that would promote the best interests of the child? Such information would be useful to professionals working with children and youth.

53. Mrs. BADRAN said that it would be a good idea to raise the issue of a new spirit of tolerance in the various seminars that were being held for social workers, teachers and other professionals dealing with children.

54. Mr. KOLOSOV said that according to the report, there were both objective and subjective factors preventing Croatia from fully implementing the Convention. Apart from the report, the Committee had other sources of information. For example, a report on the situation of human rights in Croatia had been issued by the Security Council of the United Nations in December 1995.

55. In his view, Croatia did not adequately protect children from discrimination. Children belonging to minority groups had to change their names and hide their religious beliefs because of social pressure and threats. Cases of arbitrary detention were another cause for concern. The Government also did not react strongly enough to abuses of freedom of the press at a time when some publications were advocating a programme of extreme nationalism and xenophobia. The press failed to report incidents of discrimination and violence against Muslims.

56. The right of children of minorities and refugees to adequate housing had been denied by damage to or destruction of their homes or by the forced evictions of their families. Approximately one third of refugee children did not attend school and children of Croatian nationality had priority access to secondary schools. Serbs also were discriminated against in the field of employment and were denied the full enjoyment of their cultural rights, all of which affected the children of those families.

57. He would like to know how the subject of the war was handled in media broadcasts for children. Did children have adequate access to information about the current situation?

58. Mrs. SIMONOVIC (Croatia), said that, with the liberation of most of the occupied territories and the conclusion of negotiations for the peaceful integration of the remaining portions of the occupied territories, the Croatian Government could now focus its efforts on the creation of a new atmosphere of tolerance and respect for human rights. Following Operation Storm, the Secretary-General had requested the Croatian Government to report on the measures it was taking to punish the perpetrators of war crimes; Croatia had collected data establishing that over 1,000 people were being tried for crimes committed in the territories it had recently liberated. Those persons would be punished in accordance with Croatian laws.

59. After the conclusion of Operation Storm, an agreement had been drawn up between Croatia and the United Nations Protection Forces (UNPROFOR) granting Serbs the right to stay, to leave and to return. Most had either fled in fear or had left on the orders of Serbian paramilitary units. Those who had stayed were mainly elderly persons living in remote villages. UNHCR teams had visited those persons and had asked them whether they wanted to move to homes for the elderly or stay in their own homes; three institutions for the elderly had been opened. Most Serbs who wished to return had family members or relatives in Croatia and the Government had to ensure that they could do so safely.

60. A deadline had been set for the recovery of property by those returning to Croatia but it had lapsed in 1995 because it had been seen as an obstacle to the implementation of the right to own private property. Croatia and the Federal Republic of Yugoslavia were to conclude a treaty on the normalization of their relations which would cover, inter alia, the question of the recovery of property.

61. Croatia's child protection legislation was highly progressive and had been successfully implemented throughout the war in the unoccupied parts of the country. Efforts would now have to be made in the liberated territories to restore the rule of law and ensure the full implementation of all existing legislation, including that on child protection.

62. Seminars had been conducted to educate the judiciary about discrimination based on ethnic origin. In 1995, the Council of Europe had organized five seminars at which European experts had met with Croatian judges to discuss such special issues as the function of the judiciary with respect to minors. UNICEF had also been active in the promotion of the rights of the child. Many NGOS were working to create an atmosphere of tolerance and trust in Croatia and, in particular, among children of different ethnic backgrounds.

63. Mrs. CVJETKO (Croatia), said that Croatian public prosecutors had been instructed that refugee children who committed crimes were not to be prosecuted, but instead provided with protection services. If a refugee child committed a crime or had been a juvenile delinquent in his country of origin, however, he was dealt with more harshly.

64. Perhaps worthy of mention was the case of the Serb teacher who had taught Latin in Croatia throughout the war using the Cyrillic alphabet and who had never been dismissed. During five years of war, Croatian educators had gone on working as usual and had conducted many educational seminars and programmes. She disliked the term "a culture of violence and intolerance". No one who had not witnessed wartime Croatia could really understand the nature of what had happened.

65. Mrs. BABIC (Croatia) said that the Ministry of Reconstruction had recently been established to oversee the rebuilding of Croatia and the Croatian Parliament was debating the question of resource allocations. It was expected that priority would be given to the recently liberated territories and to Eastern Slavonia, which was likely to be integrated into the Republic of Croatia soon. The Ministry of Reconstruction would focus on recreating the necessary minimum conditions for the continuation of life in those areas, which included the rebuilding of damaged or demolished homes, farms and schools out of the national budget. Special emphasis would be placed on the reconstruction of institutions for children. The Ministry would, in addition, provide resources to families under its programme for demographic renewal.

66. The implementation of employment rights was the responsibility of the Ministry of Labour and Social Welfare. Regrettably, the international community had put pressure on Croatia to introduce data on ethnic origins into its records; those data, considered irrelevant, had never before been collected. Croatia was a party to International Labour Organization Convention No. 102 and, as such, based its employment system on the principles

of workers' rights. In view of its high unemployment rate, Croatia did not consider it discriminatory to restrict the employment of foreigners. It was also the case, however, that all citizens of the former Yugoslavia residing in Croatia were automatically granted citizenship. Croatian citizenship was, moreover, granted to all those born in Croatia, regardless of ethnic origin. By contrast, welfare rights were based not on citizenship but on job status or residence and any person residing in Croatia therefore had access to welfare services.

67. Croatia provided primary schooling to all children of any nationality within its territory, including the children of refugees. The Croatian Government was not obliged - and frankly lacked the resources - to provide secondary and university education for children who were not citizens at State expense.

68. Mrs. HRABAR (Croatia) said that recent divorce legislation gave a child aged over 10 the right to express his opinion about which parent he wished to live with. In principle, that question was asked indirectly to avoid adversely affecting the personality of the child. The child's wish was always respected. Similarly, recent adoption legislation gave a child aged over 12 the right to make a choice from among more than one set of adoptive parents.

69. All children were required to enrol in school at age 7. On completion of their primary school education at age 10, they were given the choice between three programmes tailored to different talents and abilities. Special programmes were provided for handicapped children. Corporal punishment had never been permitted in Croatian schools and, under the Law on Primary Education, a teacher that resorted to that practice was subject to dismissal. Unfortunately, however, in cases of collective breaches of discipline, children were sometimes deprived of the right to attend physical education classes. The Croatian Government strongly disapproved of that form of punishment and was trying to eradicate its use.

70. When a child living in a correctional home was disciplined, he had the right to choose from among various punishments, on the basis of the principle that resocialization was successful only if the child agreed to the measure and cooperated with his superior. A child in a correctional home could also complain in writing of the violation of his rights and, if he failed to receive a satisfactory response, he could forward his complaint to the Ministry of Justice or the Ministry of Labour and Social Welfare.

71. Croatia clung to the principle that children should be regarded as individuals and their rights and needs should be dealt with accordingly. In practice, that meant that a younger child sometimes expressed more full-formed views than an older child. It was consequently difficult for her country to accept the idea that a child's views should be given due weight in accordance with his age and maturity.

72. Mrs. ŠIMONOVIC (Croatia) said that legislative measures regulating the media were admittedly insufficient. The number of daily and weekly newspapers and other periodicals as well as of radio and television stations, had, however, increased enormously since the disintegration of the Socialist Federal Republic of Yugoslavia. Croatians also had access to satellite

television, which had a favourable influence on freedom of the media. On the other hand, the media provided very little information to children about the war; in general, Croatians were trying to forget.

73. Mrs. UJEVIC-BULJETA (Croatia) said that the law always gave priority to children without parents, including those whose parents had died, those whose parents' whereabouts had been unknown for over six months and those separated from their parents for reasons of parental neglect. All such children were placed in the care of guardians or in foster homes or institutions for children. The Croatian Government treated Croatian, Bosnian and Serbian children with absolute equality. Well over 1,000 Bosnian children had arrived in Croatia without their parents. Furthermore, many Serb parents had left their children in Croatia when they had left for Serbia. Some parents kept in contact with their children, sending letters and money; others had simply abandoned them. Those children lived either in foster homes or in children's homes. Many remained in institutions because they had outgrown the age of adoption. Contacts between abandoned children and their parents were sometimes established by the International Committee of the Red Cross.

74. Given the circumstances, the Croatian judiciary had been reluctant legally to separate children from parents, even if those parents had failed to take care of their children before leaving the country. However, a refusal to order such a separation meant that those children could not be adopted and would probably spend their childhood years in institutions.

75. Croatia had insufficient institutions for the treatment of disabled children, particularly mentally disabled ones. Refugee children were refused entry into the country simply because many Croatian children were still waiting to be placed.

The meeting rose at 1 p.m.